

# BEHAVIOR INTERVENTION PLAN (BIP) POLICY AND EMERGENCY INTERVENTIONS

## Definition

Under state and federal law, districts are required to provide student with disabilities appropriate behavioral interventions and supports that are necessary to ensure they have meaningful access to their education.

## Legal Requirements

The U.S. Department of Education, Office of Special Education and Rehabilitative Services, has outlined the following requirements with regard to the use of behavioral supports for students on IEPs:

1. IDEA requires IEP teams to consider the use of behavioral interventions and supports for student with disabilities whose behavior interferes with their learning or the learning of others.
2. When a student displays inappropriate behavior, such as violating a code of student conduct or disrupting the classroom, this may indicate that behavioral supports should be included in the student's IEP; this is especially true when the student displays inappropriate behavior on a regular basis or when the behavioral incidents result in suspensions or other disciplinary measures that exclude the student from instruction.
3. If a student displays inappropriate behavior despite having an IEP that includes behavioral supports, this may indicate that the behavioral supports in the IEP are not being appropriately implemented, or the behavioral supports in the IEP are not appropriate for the student. In these situations, the IEP team would need to meet to discuss amending the current IEP to ensure that the interventions and supports in the IEP can be implemented, or to revise the behavioral interventions and supports that are currently in place.
4. IDEA requires that needed behavioral supports in the IEP, whether provided as special education, related services, or supplementary aids and services, be based on peer-reviewed research to the extent possible. The supports chosen should be individualized to the student's needs. Some examples of supports that schools may use include instruction on, and reinforcement of, school expectations for behavior, violence prevention programs, anger management groups, counseling for mental health issues, life skills training, social skills instruction, meetings with a behavioral coach, or other approaches.
5. In addition to behavioral supports for student with disabilities, it may also be necessary, and consistent with IDEA requirements, to provide supports for school personnel and training on the use of behavioral interventions and supports in order to appropriately address the behavioral needs of a particular student.
6. While providing individualized behavioral supports to students with disabilities who need them through the IEP process is required as part of IDEA, research has shown that these supports are typically most effective when they are delivered within a school-wide evidence-based multi-tiered behavioral framework that provides all student with clear expectations, targeted intervention for small groups who do not respond to the school-wide supports, and individualized supports for those student who need the most intensive behavioral services.
7. It is important for schools and agencies to keep in mind that, in general, placement teams may not place a student with a disability in special classes, separate schooling, or other restrictive settings outside of the general educational environment solely due to the student's behavior if the student's behavior can be effectively addressed in the general education setting with the provision of behavioral supports. The failure to make behavioral supports available throughout a continuum of placements, including in a general education setting, could result in an

inappropriately restrictive placement and may violate IDEA's LRE requirements. Doing so may constitute failure to provide the student with access to the LRE.

8. Schools should exercise caution in using disciplinary measures that remove a student from his or her current placement, such as suspension. Research has shown that exclusionary measures, in general, are not only ineffective at reducing or eliminating the reoccurrence of the misbehavior but may even be harmful to the student, possibly leading to lower academic performance, disengagement from school, and risk for drop out.
9. Parents have the right to request an IEP team meeting at any time, and public schools generally must grant a reasonable request from a parent for an IEP team meeting.
10. Parents may want to request an IEP team meeting following disciplinary removal or changes in the student's behavior that impede the student's learning or that of others, as these likely indicate that the IEP may not be properly addressing the student's behavioral needs or is not being properly implemented.

EC § 56521.2 also requires districts to employ behavior supports for students whose behavior impedes the learning of himself or others. Additionally, that section prohibits the use of: (1) any intervention designed to, or likely to, cause physical pain, including, but not limited to, electric shock; (2) an intervention that involves the release of noxious, toxic, or otherwise unpleasant sprays, mists, or substances in proximity to the face of the individual; (3) an intervention that denies adequate sleep, food, water, shelter, bedding, physical comfort, or access to bathroom facilities; (4) an intervention that is designed to subject, used to subject, or likely to subject, the individual to verbal abuse, ridicule, or humiliation, or that can be expected to cause excessive emotional trauma; (5) restrictive interventions that employ a device, material, or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment or similar techniques may be used by trained personnel as a limited emergency intervention; (6) locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room; (7) an intervention that precludes adequate supervision of the individual; and (8) an intervention that deprives the individual of one or more of his or her senses.

The California Education Code requires the following with regard to emergency interventions:

1. Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the student with a disability, or others, and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to contain the behavior.
2. Emergency interventions shall not be used as a substitute for the systematic BIP that is designed to change, replace, modify, or eliminate a targeted behavior.
3. No emergency intervention shall be employed for longer than is necessary to contain the behavior. A situation that requires prolonged use of an emergency intervention shall require the staff to seek assistance of the school site administrator or law enforcement agency, as applicable to the situation.
4. Emergency interventions shall not include:
  - a. Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
  - b. Employment of a device, material, or objects that simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained in those procedures.
  - c. An amount of force that exceeds that which is reasonable and necessary under the circumstances.

5. To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified within one school day if an emergency intervention is used or serious property damage occurs. A behavioral emergency report shall immediately be completed and maintained in the file of the student with a disability and sent to the SELPA. The behavioral emergency report shall include all of the following:
  - a. The name and age of the student with a disability.
  - b. The setting and location of the incident.
  - c. The name of the staff or other persons involved.
  - d. A description of the incident and the emergency intervention used, and whether the student with a disability is currently engaged in any systematic BIP.
  - e. Details of any injuries sustained by the student with a disability, or others, including staff, as a result of the incident.
    - i. All behavioral emergency reports shall immediately be forwarded to, and reviewed by, a designated responsible administrator.
    - ii. If a behavioral emergency report is written regarding a student with a disability who does not have a BIP, the designated responsible administrator shall, within two days, schedule an IEP (IEP) team meeting to review the emergency report, to determine the necessity for a FBA, and to determine the necessity for an interim plan. The IEP team shall document the reasons for not conducting the FBA, not developing an interim plan, or both.
    - iii. If a behavioral emergency report is written regarding a student with a disability who has a BIP, an incident involving a previously unseen serious behavior problem, or where a previously designed intervention is ineffective, shall be referred to the IEP team to review and determine if the incident constitutes a need to modify the BIP.

## **Legal References**

EC 56521.1, 56521.2

## **Timelines**

If an emergency intervention was used, or if serious property damage occurred, the district must notify the student's parent, guardian, and residential care provider within one school day. In those instances, the school must immediately complete a behavior emergency report. The behavioral emergency report should be immediately forwarded to the designated responsible administrator and the SELPA. If the student for whom the behavioral emergency report was written does not have a BIP, the district must schedule an IEP meeting to review the emergency report and determine the necessity for a FBA and interim plan within two days. If the student has a BIP and the incident was a previously unseen serious behavior or the previously designed intervention was ineffective, the district must refer the incident to the IEP team to determine if the BIP should be modified.

## **Local Procedures**

An IEP team shall facilitate and supervise all assessment, intervention, and evaluation activities related to a student's BIP.

BIPs shall be used to substitute acceptable behavior for specified maladaptive behaviors, be based on a FBA, if necessary, and be used in a systematic manner.

The following behavioral interventions are prohibited from use under any circumstances:

1. Interventions designed to, or likely to, cause pain or trauma;
  - a. Locked seclusion;
  - b. Devices, materials, or objects that simultaneously immobilize all four extremities;
  - c. Release of noxious, toxic or unpleasant sprays in proximity to the student's face;
  - d. Denial of sleep, food, water, shelter, bedding, physical comfort, or bathroom facilities;
  - e. Use of verbal abuse, ridicule, humiliation;
  - f. Denial of adequate supervision;
  - g. Deprivation of his or her senses.

#### Functional Behavior Assessment (FBA)

1. A FBA shall gather information by direct observation, interviews and record reviews. The FBA shall include:
  - a. A systematic observation of the occurrence of the targeted behavior across all school settings;
  - b. A systematic observation and analysis of the antecedent events;
  - c. A systematic observation and analysis of the consequences of the behavior to determine the function of the behavior;
  - d. An ecological analysis of the environment in which the behavior occurs;
  - e. A review of the health and medical records;
  - f. A review of the history of the behavior; and
  - g. A determination of possible reinforcers.

#### Functional Behavior Assessment Report

1. A FBA report shall include the following:
  - a. A description of the nature and severity of the targeted behaviors in objective and measurable terms;
  - b. A description of the targeted behavior that includes baseline data and an analysis of the antecedents and consequences that maintain the targeted behavior;
  - c. A description of the hypothesized function of the targeted behavior;
  - d. A description of the rate of alternative behaviors including the antecedent and consequences that maintain the alternative behaviors;
  - e. Recommendations for consideration by the IEP team which may include a proposed BIP.

#### Positive programming for behavioral intervention may include the following:

1. Altering the antecedent events to prevent the occurrence of the behavior;
2. Teaching alternative replacement behaviors that serve the same function as the targeted behavior;
3. Teaching adaptive behaviors to prevent inappropriate behaviors;
4. Manipulating the consequences in order to have the alternative behaviors produce the desired outcome;

#### Evaluation of the effectiveness of the plan shall be determined by:

1. Comparison of baseline measure of frequency, duration, and intensity of targeted behavior and of measures of frequency, duration and intensity of the targeted behavior after utilizing the plan;
2. Documentation of implementation of the plan;
3. Documentation of skill acquisition of the functionally equivalent replacement behavior.

The effectiveness of the plan shall be reviewed by the teacher, the case manager, parent, and others as appropriate at scheduled intervals determined by the IEP team.

Modifications to the behavior plan may be necessary as a result of outcome data. The teacher and case manager shall conduct additional FBAs and, based on the outcomes, shall propose changes to the BIP.

The IEP team may develop the behavior plan to include provisions for altering specified procedures without the necessity for reconvening the IEP team.

### Emergency Interventions

Emergency interventions may be used only to control unpredictable, spontaneous behavior which poses clear and present danger of serious physical harm to the student or others which cannot be immediately prevented by a less restrictive response.

Emergency interventions shall not substitute for BIPs.

No emergency intervention shall be employed for longer than is necessary to contain the behavior. If the situation requires prolonged use of an emergency intervention, or the safety of both staff and students cannot be effectively maintained, staff shall seek the assistance of the school site administrator or law enforcement agency as appropriate.

Emergency interventions may not include:

1. Locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
2. Employment of a device, material, or objects that simultaneously immobilize all four extremities, except that techniques such as prone containment may be used as an emergency intervention by staff trained in those procedures.
3. An amount of force that exceeds that which is reasonable and necessary under the circumstances.

Emergency interventions may include:

1. SELPA approved physical intervention containment strategies by a trained individual;
2. Intervention by the police;
3. Intervention by Humboldt or Del Norte County Behavioral Health;
4. Physical intervention containment strategies by staff on hand only sufficient to prevent harm to self or others in the absence of other alternatives noted;
5. Removal from classroom or school by staff or parent as may be appropriate to protect student, other students, and staff.

To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent or care provider shall be notified within one school day whenever an emergency intervention is used or serious property damage occurs.

A Behavioral Emergency Report shall be completed when an emergency intervention is used and shall be maintained in the student's file. The report shall include:

1. The name and age of the student;
2. The setting and location of the incident;
3. The name of the staff or other persons involved;
4. A description of the incident and the emergency intervention used;

5. Whether there is a current BIP for the student;
6. Description of any injuries sustained by the student, other students, the staff or others.

All Behavioral Emergency Reports shall be immediately forwarded to and reviewed by an administrator and the SELPA. If the student does not have a current BIP, the administrator shall schedule, within two days, an IEP meeting to review the emergency report, to determine the need for a FBA, and to determine the necessity for an interim BIP. In the case of the student who has a BIP, if the emergency involved a previously unseen serious behavior or where the behavior plan is not effective, the administrator will initiate an IEP meeting to review the current plan and the need for modification of the student's behavior plan.

Districts within the SELPA shall, by June 30th of each school year, send the total number of Behavioral Emergency Reports completed for the current school year to the SELPA director. The SELPA will report annually to the California Department of Education and Advisory Commission on Special Education the number of Emergency reports completed.

#### **REMINDERS**

- When the IEP team determines that the student's behavior has risen to the level where additional supports are needed beyond those provided by general classroom teacher interventions, it is likely that an FBA should be conducted and an appropriate staff member must be on the IEP team to coordinate the FBA and related BIP.
- Staff needs to be aware of behavior interventions that are not permitted under any circumstance.